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PUBLIC INSTRUCTION

**FISCAL YEAR 2012
CHILD AND ADULT CARE FOOD PROGRAM
OPERATIONAL MEMORANDUM #9**

TO: Child and Adult Care Food Program Institutions

FROM: Kyle L. Guerrant, Director
Office of School Support Services

(K.L.G.) 5-28-12

DATE: May 28, 2012

SUBJECT: Guidance on the Prohibition of Separation by Gender During the Service of Meals in the Child and Adult Care Food Program

The attached memorandum titled, "Guidance on Prohibition of Separation by Gender in Schools During School Meals," forth guidance on the separation of children by gender during a Child and Adult Care Food Program meal service. The memorandum clarifies that this guidance also applies to children not participating in the program who are in a facility that receives Federal funds.

If you have any question regarding this memorandum, contact the CACFP office at 517-373-7391.

RESCINDED - JULY 18, 2012

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608 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909
www.michigan.gov/mde • (517) 373-3324

MEMORANDUM

UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)

FOOD AND NUTRITION SERVICE (FNS)

GUIDANCE ON THE PROHIBITION OF SEPARATION BY GENDER DURING THE SERVICE OF MEALS IN THE CHILD NUTRITION PROGRAMS

PURPOSE

- a. This memorandum sets forth guidance to all FNS Regional Offices, State administering agencies and school food authorities that receive federal funding from FNS, Child Nutrition Programs under USDA. The Child Nutrition Programs (CNPs) include: the National School Lunch Program, School Breakfast Program, Special Milk Program, Child and Adult Care Food Program, and the Summer Food Service Program. These programs receive federal funds for providing free, reduced price and paid program meals. Under USDA statutes and regulations, authorities may not separate children by gender in the service of program meals that fall under the aforementioned CNPs. In addition, this requirement applies to children who do not consume program meals, but are in a facility that receive federal funds from FNS.
- b. This guidance provides clarification to the statutory requirements that prohibit separating children by gender in any facility receiving federal funds appropriated for providing meals under the CNPs. Facilities are defined as schools, institutions, child care centers, day care homes and summer feeding sites.

AUTHORITY

- a. Title IX of the Education Amendment Act of 1972, 20 U.S.C. 1681, *et seq.*
- b. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.*
- c. The Richard B. Russell National School Lunch Act (NSLA), as amended, 42 U.S.C. 1760(j), *et seq.*
- d. The Child Nutrition Act of 1966 (CNA), 42 U.S.C. 1771, *et seq.*
- e. 7 C.F.R. 15a.12
- f. 7 C.F.R. 15a.31
- g. FNS Instruction 113-1